

## Message Text

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ACTION L-01

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R 201729Z JAN 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 7370

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY VIENNA

USMISSION USBERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 00960

LIMDIS

E.O. 11652: GDS

TAGS: PGOV, PFOR, CONS, WG, EG, AU

SUBJECT: CONSULAR NEGOTIATIONS WITH GDR--BONN REACTS TO  
AUSTRIAN-EAST GERMAN INITIALING OF AGREEMENT

REF: A) STATE 12391; B) LONDON 830 BOTH NOTAL

SUMMARY: INITIALING BY EAST GERMANS AND AUSTRIANS OF  
CONSULAR AGREEMENT WHICH ESTABLISHES GDR LAW AS GOVERNING  
QUESTION OF WHO IS GDR CITIZEN HAS SPARKED FLURRY OF  
ACTIVITY IN FOREIGN OFFICE MOST OF WHICH, WE ARE TOLD, IS  
TO PROTECT AGAINST DOMESTIC CRITICISM. END SUMMARY.

1. INFORMED FRG FOREIGN OFFICE SOURCE HAS TOLD EMB OFF  
THAT FON MIN GENSCHER IS PERSONALLY VERY WORRIED ABOUT  
POSSIBLE DOMESTIC REPERCUSSIONS OF GDR-AUSTRIAN INITIAL-  
LING OF CONSULAR AGREEMENT CONTAINING CLAUSE ESTABLISHING  
GDR LAW AS GOVERNING QUESTION OF WHO IS GDR CITIZEN.

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SOURCE SAID ACTUAL MODUS VIVENDI HAD BEEN WORKED OUT WITH

VIENNA, I.E. EAST GERMANS IN AUSTRIA WISHING TO SEE FRG CONSULAR OFFICERS WILL BE GIVEN THE OPPORTUNITY TO DO SO, BUT QUESTION IS WHETHER VIENNA WILL AGREE TO PUT THIS AGREEMENT IN WRITING IN EXCHANGE OF NOTES WITH BONN. GENSCHER FEELS SO STRONGLY (APPARENTLY BECAUSE OF POSSIBLE CRITICISM THAT HE AND FONOFF UNABLE TO DISSUADE AUSTRIA FROM AGREEING TO CLAUSE ON GDR CITIZENSHIP) THAT HE NOW INTENDS TO RAISE MATTER WITH AUSTRIAN FON MIN BIELKA DURING GENSCHER'S "PRIVATE" TRIP TO AUSTRIA EARLY IN FEBRUARY. GENSCHER ALSO PERSONALLY APPROVED THE FON OFF PRESS LINE WHICH SPOKESMAN PACHELBEL USED JAN 17. PACHELBEL SAID THAT "GERMAN NATIONALITY" SINCE 1945 HAD NOT BEEN CHANGED OR REDEFINED BY NATIONAL OR INTERNATIONAL LAW AND THAT CONSULAR REPRESENTATION BY BONN OF "GERMANS" AS CONTAINED IN ARTICLE 116 OF FRG BASIC LAW COULD NOT BE LIMITED BY AGREEMENTS WHICH THIRD STATES MAY CONCLUDE WITH THE GDR. ACCORDING TO PRESS REPORTS, THE AUSTRIANS HAVE SIMPLY REPLIED THAT RECOGNITION OF A STATE INCLUDES RECOGNITION OF THE CITIZENSHIP CONNECTED THERETO.

2. SOURCE VOLUNTEERED IN COURSE OF CONVERSATION THAT UK HAS ALREADY INITIALED CONSULAR AGREEMENT WITH GDR WHICH CONTAINS CLAUSE SIMILAR TO THAT IN AUSTRIAN-GDR AGREEMENT. HE SAID THAT LONDON HAD AGREED TO AN EXCHANGE OF NOTES WITH BONN COMMITTING UK TO GRANT FRG CONSULAR ACCESS TO EAST GERMANS IN BRITAIN WHO REQUEST IT. SOURCE SAID GENSCHER HAD JUST (JAN 20) APPROVED A LETTER TO FON MIN CALLAGHAN SAYING HE HAD NOTED WITH DEEP REGRET AND CONCERN THE UK DECISION THAT IT WOULD NOT REFUSE OBJECTIONABLE CLAUSE IN ITS AGREEMENT WITH GDR.

3. COMMENT: ACCORDING TO SOURCE, THERE IS MUCH DISAGREEMENT ON SUBJECT WITHIN FRG FONOFF. THE PROFESSIONALS, HE SAID, ARE GENERALLY OF THE VIEW TAKEN BY THE AUSTRIANS: RECOGNITION OF A STATE IMPLIES RECOGNITION OF THE CITIZENSHIP OF THAT STATE'S INHABITANTS. THE FOREIGN MINISTER, HOWEVER, IS DEEPLY CONCERNED ABOUT POSSIBLE DOMESTIC REPERCUSSIONS WHICH MIGHT AFFECT HIM PERSONALLY AND IS ACTIVELY ENGAGED IN COVERING HIS FLANKS--INCLUDING

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THE STRONGLY-WORDED LETTER TO CALLAGHAN AND A PROBABLE PERSONAL CALL ON BIELKA. GENSCHER'S AIM NOW, ACCORDING TO SOURCE, IS TO ENSURE THAT UK AND AUSTRIAN COMMITMENT ON FRG CONSULAR ACCESS IS GIVEN IN WRITING.  
HILLENBRAND

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